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10/811,457	03/26/2004	Richard Hai Huang	SAR100065000	3988
22891	7590	12/02/2005	EXAMINER	
DELIO & PETERSON 121 WHITNEY AVENUE NEW HAVEN, CT 06510			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/811,457

Applicant(s)

HUANG, RICHARD HAI

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-30 is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- Elements 04,05,06,31,37,38, and 85 are not disclosed in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. **Claims 18 and 19 are objected** to because of the following informalities:

- Claim 18 Line 1, change "to claim 16" to -to claim 17-.
- Claim 19 Line 1, change "to claim 16" to -to claim 17-.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. **Claims 1-25 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that a latch retract blocking element is optionally positional to block the latch retract lever. Claim 10 recites that a lock/unlock-blocking element is optionally positional to block the lock/unlock lever. Claim 15 recites that a spindle hub-blocking element is optionally positional to block the spindle hub. Claim 20 recites that a latch retract blocking element is optionally positional to block the latch retract lever, that a lock/unlock-blocking element is optionally positional to block the lock/unlock lever, and that a spindle hub-blocking element is optionally positional to block the spindle hub.

It is unclear if the applicant is claiming these elements, the latch retract blocking element, the spindle hub-blocking element and the lock/unlock blocking element, or that the applicant is claiming that these elements are optional, i.e., that could be provided.

Therefore, in order to continue with the examination, the limitations will be examined as the mortise lock that could have the latch retract blocking element, spindle hub-blocking element and the lock/unlock-blocking element. Appropriate correction is required.

Further, the applicant cites that claims 18 and 19 depend from claim 16. However, claim 16 does not provide a positive antecedent of basis for the spindle

hub storage opening limitation. Currently, claim 17 is the one that positively recites the limitation. Therefore, in order to continue with the examination, claims 18 and 19 will be examined as being depending from claim 17 (see claim objection above). Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **In case that the spindle hub blocking element is required, Claim 15 is rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 2,164,290 to Hurd.

Hurd discloses a mortise lock comprising a casing (1) having a front plate for confronting a doorframe, a first sidewall and an opposed second sidewall.

A latch bolt (4) is movable with respect to the casing between an extended position and a retracted position.

At least one spindle hub (11) adapted for connection to a spindle projecting from a handle. The spindle hub acts to move the latch bolt to the retracted position when rotated.

A spindle hub blocking element (16 and 17) is provided to block the at least one spindle hub to prevent rotation thereof. The spindle hub blocking element is positioned without removing the first or second sidewall from the mortise lock to block or unblock the at least one spindle hub.

- 7. In case that the spindle hub blocking element is required, Claim 15 is rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 450,331 to Lyons.

Lyons discloses a mortise lock comprising a casing (A) having a front plate for confronting a doorframe, a first sidewall and an opposed second sidewall.

A latch bolt (C) is movable with respect to the casing between an extended position and a retracted position.

At least one spindle hub (E) adapted for connection to a spindle projecting from a handle. The spindle hub acts to move the latch bolt to the retracted position when rotated.

A spindle hub blocking element (G) is provided to block the at least one spindle hub to prevent rotation thereof. The spindle hub blocking element is positioned without removing the first or second sidewall from the mortise lock to block or unblock the at least one spindle hub.

- 8. In case that the spindle hub blocking element is required, Claims 15 and 16 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 6,393,878 to Fayngersh et al (Fayngersh '878).

Regarding claim 15, Fayngersh '878 discloses a mortise lock comprising a casing having a front plate (26) for confronting a doorframe, a first sidewall (32) and an opposed second sidewall.

A latch bolt (58) is movable with respect to the casing between an extended position and a retracted position.

At least one spindle hub (108) adapted for connection to a spindle projecting from a handle. The spindle hub acts to move the latch bolt to the retracted position when rotated.

A spindle hub blocking element (154) is provided to block the at least one spindle hub to prevent rotation thereof. The spindle hub blocking element is positioned without removing the first or second sidewall from the mortise lock to block or unblock the at least one spindle hub.

As to claim 16, Fayngersh '878 discloses that the first sidewall includes a spindle hub blocking opening (at 148) that is threaded and the spindle hub blocking element (154) is a screw extending through the spindle hub blocking opening into blocking engagement with the at least one spindle hub (108). The spindle hub blocking screw is removable from outside the mortise lock to unblock the at least one spindle hub.

9. **In case that the spindle hub blocking element is required, Claims 15 and 16 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,813,255 to Tell et al (Tell).

Regarding claim 15, Tell discloses a mortise lock comprising a casing having a front plate (48) for confronting a doorframe, a first sidewall (18) and an opposed second sidewall.

A latch bolt (14) is movable with respect to the casing between an extended position and a retracted position.

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At least one spindle hub (368) adapted for connection to a spindle projecting from a handle. The spindle hub acts to move the latch bolt to the retracted position when rotated.

A spindle hub blocking element (40) is provided to block the at least one spindle hub to prevent rotation thereof. The spindle hub blocking element is positioned without removing the first or second sidewall from the mortise lock to block or unblock the at least one spindle hub.

As to claim 16, Tell discloses that the first sidewall includes a spindle hub blocking opening (102) that is threaded and the spindle hub blocking element (40) is a screw extending through the spindle hub blocking opening into blocking engagement with the at least one spindle hub (36). The spindle hub blocking screw is removable from outside the mortise lock to unblock the at least one spindle hub.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 1-25 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 2,164,290 to Hurd.

Regarding claim 1, Hurd discloses a mortise lock comprising a casing (1) having a front plate for confronting a doorframe, a first sidewall and an opposed second sidewall.



A latch bolt (4) movable with respect to the casing between an extended position and a retracted position.

At least one spindle hub (11) adapted for connection to a spindle projecting from a handle acting to move the latch bolt to the retracted position when rotated.

A latch retract lever (9) for moving the latch bolt between the extended and retracted positions.

A control hub (22) operably connected to the latch retract lever to move the latch bolt between the extended and retracted positions.

As to the limitation “a latch retract blocking element optionally positional to block the latch retract lever”, the claim language suggest that is an option to have the latch retract blocking element. Therefore, since it is an option to have the element, the limitation will not be considered.

As to claim 2, Hurd discloses that the mortise lock further includes an interfering member (16) movable between a locked position in which the interfering member interferingly engages the at least one spindle hub to prevent rotation thereof and an unlocked position in which the interfering member is disengaged from the at least one spindle hub; and a lock/unlock lever (17) for moving the interfering member between the locked and unlocked positions. The control hub (22) is operably connected to the lock/unlock lever to move the interfering member between the locked and unlocked positions.

As to the limitation “a lock/unlock blocking element optionally positionable to block the lock/unlock lever”, the claim language suggests that is an option to have

the lock/unlock-blocking element. Therefore, since it is an option to have the element, the limitation is not required.

As to claims 3 and 6-9, the claim language of claims 1 and 2 suggests that is an option to have the latch retract blocking element or the lock/unlock-blocking element. Therefore, since it is an option to have the element, the limitation is not required.

As to claims 4 and 5, the claim language suggests that is an option to have a spindle hub-blocking element. Therefore, since it is an option to have the element, the limitation is not required.

As to claims 10 and 20, Hurd discloses a mortise lock comprising a casing (1) having a front plate for confronting a doorframe, a first sidewall and an opposed second sidewall.

A latch bolt (4) movable with respect to the casing between an extended position and a retracted position.

At least one spindle hub (11) adapted for connection to a spindle projecting from a handle acting to move the latch bolt to the retracted position when rotated.

A latch retract lever (9) for moving the latch bolt between the extended and retracted positions.

A control hub (22) operably connected to the latch retract lever to move the latch bolt between the extended and retracted positions.

An interfering member (16) movable between a locked position in which the interfering member interferingly engages the spindle hub to prevent rotation thereof

and an unlocked position in which the interfering member is disengaged from the at least one spindle hub.

A lock/unlock lever (17) moves the interfering member between the locked and unlocked positions. The control hub (22) is operably connected to the lock/unlock lever to move the interfering member between the locked and unlocked positions.

As to the limitation "a lock/unlock blocking element optionally positionable to block the lock/unlock lever", the claim language suggests that is an option to have the lock/unlock-blocking element. Therefore, since it is an option to have the element, the limitation is not required.

As to claims 11-14 and 21-25, the claim language of claim 10 suggests that is an option to have the lock/unlock-blocking element. Therefore, since it is an option to have the element, the limitation is not required.

As to claim 15, Hurd discloses a mortise lock comprising a casing (1) having a front plate for confronting a doorframe, a first sidewall and an opposed second sidewall.

A latch bolt (4) is movable with respect to the casing between an extended position and a retracted position.

At least one spindle hub (11) adapted for connection to a spindle projecting from a handle. The spindle hub acts to move the latch bolt to the retracted position when rotated.

As to the limitation "a spindle hub blocking element optionally positionable to block the at least one spindle hub", the claim language suggests that is an option to

have the spindle hub blocking element. Therefore, since it is an option to have the element, the limitation is not required.

As to claims 16-19, the claim language of claim 15 suggests that is an option to have the spindle hub-blocking element. Therefore, since it is an option to have the element, the limitation is not required.

***Allowable Subject Matter***

**12. Claims 26-30 are allowed.**

**Reasons For Allowance**

**13. The following is an examiner's statement of reasons for allowance:**

Claim 26 is allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the mortise lock includes a latch retract blocking screw removable mounted on the first side wall and blocking the latch retract lever to prevent the control hub to retract the latch bolt, and a lock/unlock blocking screw blocking the lock/unlock lever to prevent the control hub from moving the lock/unlock lever.

Fayngersh '878 further disclose that the first sidewall includes a spindle hub blocking opening (at 148) that is threaded and the spindle hub blocking element (154) is a screw extending through the spindle hub blocking opening into blocking engagement with the at least one spindle hub (108). The spindle hub blocking screw is removable from outside the mortise lock to unblock the at least one spindle hub.

However, Fayngersh '878 fails to disclose that the mortise lock includes a latch retract blocking screw removable mounted on the first side wall and blocking the latch

retract lever to prevent the control hub to retract the latch bolt, and a lock/unlock blocking screw blocking the lock/unlock lever to prevent the control hub from moving the lock/unlock lever.

Tell (US 5,813,255) also discloses a mortise lock that at the first sidewall (18) of the casing, the lock includes a spindle hub blocking opening (102) that accepts a spindle hub blocking screw (40) into blocking engagement with the spindle hub (36). The spindle hub blocking screw is removable from outside the mortise lock to unblock the at least one spindle hub.

However, Tell also fails to disclose that the mortise lock includes a latch retract blocking screw removable mounted on the first side wall and blocking the latch retract lever to prevent the control hub to retract the latch bolt, and a lock/unlock blocking screw blocking the lock/unlock lever to prevent the control hub from moving the lock/unlock lever.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo  
AU 3676

November 28, 2005.

  
**BRIAN E. GLESSNER**  
**SUPERVISORY PATENT EXAMINER**